

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

KEVIN DAVIS,

Plaintiff,

vs.

SHANE SKILLEN, and JASON RUFF,

Defendants.

CV 23-91-BLG-DWM

ORDER

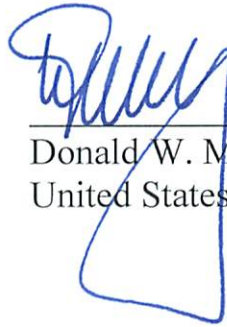
Plaintiff Kevin Davis filed a 42 U.S.C. § 1983 Complaint related to his arrest and detention in Billings, Montana. (Doc. 14). The case was briefly stayed while Davis's prosecution was underway. After the stay was lifted, Davis filed an Amended Complaint. Davis's Amended Complaint failed to state a federal claim for relief, so he was given the opportunity to amend. (Doc. 15.) His Second Amended Complaint also fails to state a claim. (Doc. 16.) Davis made none of the changes required to state a claim by the Court's prior Order. (Doc. 15.) For the reasons explained therein, Davis's Complaint is dismissed.

Accordingly, IT IS ORDERED that:

1. Davis's Second Amended Complaint is DISMISSED. The Clerk of Court is directed to close the case and enter judgment.
2. The Clerk of Court shall have the docket reflect that this dismissal counts as a strike against Davis within the meaning of 28 U.S.C. § 1915 and that

any appeal of this Order would be frivolous.

DATED this 27<sup>th</sup> day of August, 2024.

A handwritten signature in blue ink, appearing to read 'Donald W. Molloy', is written over a horizontal line. A large, loopy flourish extends from the bottom of the signature, looping around and under the text below.

Donald W. Molloy, District Judge  
United States District Court